

### **REMARKS**

Applicant respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 1-4, 6-15, 25-28, 30-33, 37-39, 42, 43, 45, 49-53, and 56-94 are pending in the application. Claims 1-4, 6-15, 25-28, 30-33, 37-39, 42, 43, 45, 49-53, and 56-94 stand rejected under 35 U.S.C. 103. No claims have been allowed.

In view of both the amendments presented previously and the following remarks, it is submitted that the claims pending in the application are not obvious. It is believed that this application is in condition for allowance. By this response, entry of this response, reconsideration of the present application, and allowance of the claims are respectfully requested.

### ***Mailing Address Correction***

The Examiner's attention is drawn to a duly executed Power of Attorney filed on September 28, 2006. The Power of Attorney clearly identifies the Customer Number as 43831. Yet correspondence continues to be sent by the USPTO to "Windy Strickland" in Florida. Their Customer Number appears to be 43813. Obviously, this transposition of digits in the customer number was an inadvertent error in the USPTO. But, it should be noted that this error presents a significant hardship to, and unnecessary delays for, Assignee's current representatives in the prosecution of this application.

Therefore, the Examiner is requested to make the necessary changes in accordance with the Power of Attorney identified above so that all correspondence will be routed to the address shown below and associated with Customer Number 43831.

### ***Relied Upon Art***

U.S. Patent 6,212,387 to McLaughlin et al. ("*McLaughlin*"), U.S. Patent 5,715,516 to Howard et al. ("*Howard*"), U.S. Patent 6,070,071 to Chavez et al. ("*Chavez*"), U.S.

Patent 6,175,737 to Kao ("Kao") and U.S. Patent 5,661,723 to Ueno et al. ("Ueno") have been cited and applied in the present Office Action.

**CLAIM REJECTIONS - 35 USC §103**  
**CLAIMS 1-4, 8-15, 25-27, 30-33, 37-38, 42-43, 46, 49-52, AND 57-94**

Claims 1-4, 8-15, 25-27, 30-33, 37-38, 42, 43, 46, 49-52 and 57-94 stand rejected under 35 U.S.C. §103 as being unpatentable over McLaughlin in view of Howard. This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See MPEP § 2142.*

Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. *See MPEP § 2143.01.*

Claim 1 calls for:

*A communication system for communication using wireless signals including down-link signals to and up-link signals from mobile stations, the system comprising,*

*a plurality of transceiver stations having broadcast channels and dedicated channels carried by said wireless signals,*

*measurement means to form measurements of said wireless signals, and*

*zone manager means including,*

*processor means to process said measurements to determine preferred ones of said transceiver stations for particular dedicated channels for a particular mobile station, and*

*control means to dynamically select said preferred ones of said transceiver stations to provide said particular dedicated channels for said particular mobile station separately from one of said transceiver stations providing particular broadcast channels for said particular mobile station. [Emphasis supplied].*

With respect to the wireless signals and the channels thereon recited in claim 1, it should be recalled from the preamble of claim 1 that the wireless signals are defined to be both uplink and downlink. In the plurality of transceivers defined in claim 1, it is further determined that the wireless signals carry broadcast channels and dedicated channels for the transceivers.

McLaughlin and Howard have been discussed in the prior response. Those descriptions will not be repeated herein, but they are incorporated by reference in their entireties.

The combination of McLaughlin and Howard still lacks the limitations defined in the present claims. In the combined references, there is no mention or remote suggestion of "dynamically selecting preferred ones of said transceivers to provide said particular dedicated channels for said particular mobile station separately from one of said transceiver stations providing particular broadcast channels for said particular mobile station." Preferred ones of the transceivers communicate with the mobile station via particular dedicated channels, while one transceiver, separate from the preferred ones of the transceivers, communicates the particular broadcast channels with the station. The combined references of McLaughlin and Howard are focused solely on collecting up-link communications, aggregating those communications from cellular users, and optimizing the total number of collectors that should be used based on some measurements.

In the present application as shown in the claim above, certain transceiver stations are dynamically selected for communicating dedicated channels, in both uplink and downlink signals, with a mobile station while a different transceiver station communicates broadcast channels, in both uplink and downlink signals, with that mobile station. In other words, transceivers handle uplink and downlink wireless signal communication with a mobile station, wherein one transceiver known as a host handles broadcast channels and one or more transceivers, other than the one host transceiver, handle dedicated channels. The latter transceivers are dynamically selected on the basis of measurements formed by the measurement means. It is important to remember that, as defined in claim 1, communication with a mobile station is accomplished "using wireless signals including down-link signals to and up-link signals from mobile stations" and that these wireless signals, both up-link and down-link, carry broadcast and dedicated channels".

The Examiner suggests that Howard at col 14, line 64 through col. 15 line 8, at col. 16, lines 19-31, and at col 12, line 63 through col. 13, line 32 teaches the claimed limitations. But, at col. 14 through 15, Howard appears to change the range of a signal by changing the power of the signal in that channel. That is not even remotely equivalent or similar to selecting different transceivers to handle different channels, broadcast and/or dedicated, for the same mobile station. At col 16, Howard appears to describe the reverse channel operation in that several collectors are selected to receive and retransmit reverse channel communications to particular ones of the users. Again, it is important to note that this technique by Howard selects collectors that communicate with the user on the reverse channel, but it does not separate collectors into ones that handle only the dedicated channels for a user and the one particular collector that handles the broadcast channels for that user. Howard does not even appreciate having different transceivers handle the different channels, broadcast and dedicated, with the same mobile station. In fact, Howard does not even mention dedicated channels in his patent and Howard only mentions a broadcast channel in reference to a user's movement from one zone manager's area to the next. Finally, at columns 12 and 13, Howard makes it clear that the broadcasters communicate with the user via downlink signals (forward channels) and the collectors communicate with the user and the zone manager, for that matter, on the uplink signals (reverse channels). Again, this is not the claimed system in claim 1 because there is no separation of transceivers that are selected to communicate on the dedicated channels with a particular mobile station from the one transceiver that is selected to communicate with the mobile station on the broadcast channel.

In light of the remarks above, it is submitted that the combined references of McLaughlin and Howard do not teach, show, or suggest the limitations in claim 1. Hence, it is submitted that claim 1 would not have been obvious to a person skilled in the art upon a reading of McLaughlin and Howard, separately or in combination. Therefore, it is believed that claim 1 is allowable under 35 U.S.C. §103. It is further believed that claims 2-4, 8-15, 25-27, 30-33, 37-38, 42-43, 46, and 49, all dependent from claim 1 either directly or indirectly, are also allowable under 35 U.S.C. §103. Withdrawal of the rejection of these claims is respectfully requested.

Independent claims 50, 57, 65, 74, 85 and 92 have limitations substantially similar to those discussed above with respect to claim 1. For the reasons presented above with respect to claim 1, it is submitted that independent claims 50, 57, 65, 74, 85 and 92 would not have been obvious to a person skilled in the art upon a reading of McLaughlin and Howard, separately or in combination. Therefore, it is believed that claims 50-52, 57-64, 65-73, 74-84, 85-91 and 92-94 are allowable under 35 U.S.C. §103. Withdrawal of the rejection of these claims is respectfully requested.

***CLAIM REJECTIONS - 35 USC §103***  
***CLAIMS 6-7, 18-19, AND 53-56***

Claims 6-7, 18-19, and 53-56 stand rejected under 35 U.S.C. §103 as being unpatentable over McLaughlin and Howard further in view of Chavez. Claims 6-7 and 18-19 depend from claim 1, whereas claims 53-56 depend from claim 50. This rejection is respectfully traversed.

Chavez has been added to the combination to introduce information about the change time noted in the rejected claims. But Chavez includes no teaching or suggestion to cure the deficiencies in the combination of McLaughlin and Howard already discussed above with respect to claim 1. As a result, it is submitted that the combination of McLaughlin, Howard, and Chavez fails to teach, show, or suggest all the limitations set forth in the rejected claims and their independent base claims. Therefore, it is believed that claims 6-7, 18-19, and 53-56 are allowable under 35 U.S.C. §103. Withdrawal of the rejection of these claims is respectfully requested.

***CLAIM REJECTIONS - 35 USC §103***  
***CLAIMS 12, 28, AND 39***

Claims 12, 28, and 39 stand rejected under 35 U.S.C. §103 as being unpatentable over McLaughlin and Howard further in view of Kao. Claims 12, 28, and 39 depend ultimately from claim 1. This rejection is respectfully traversed.

Kao has been added to the combination to introduce information about a controller link limitation in the rejected claims. But Kao includes no teaching or suggestion to remedy the deficiencies in the combination of McLaughlin and Howard as discussed above with respect to base claim 1. As a result, it is submitted that the combination of McLaughlin, Howard, and Kao fails to teach, show, or suggest all the limitations set forth in the rejected claims and their independent base claims. Therefore, it is believed that claims 12, 28, and 39 are allowable under 35 U.S.C. §103. Withdrawal of the rejection of these claims is respectfully requested.

***CLAIM REJECTIONS - 35 USC §103***  
***CLAIM 45***

Claim 45 stands rejected under 35 U.S.C. §103 as being unpatentable over McLaughlin and Howard further in view of Ueno. Claim 45 depends ultimately from claim 1. This rejection is respectfully traversed.

Ueno has been added to the combination to introduce information about various types of processor information defined in the rejected claim. But Ueno includes no teaching or suggestion to cure the deficiencies in the combination of McLaughlin and Howard as discussed above with respect to base claim 1. As a result, it is submitted that the combination of McLaughlin, Howard, and Ueno fails to teach, show, or suggest all the limitations set forth in the rejected claim and its independent base claim. Therefore, it is believed that claim 45 is allowable under 35 U.S.C. §103. Withdrawal of the rejection of this claim is respectfully requested.

**CONCLUSION**

In view of the amendments and remarks above, it is submitted that this application is in condition for allowance. Entry of this amendment, reconsideration, and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that

the Examiner telephone Gregory C. Ranieri, Esq. at (503) 439-6500 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 50-3703.

Respectfully submitted,

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cc: Docketing